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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/664,273

09/18/2000

Jean-Claude Constantin

32978

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7590

03/10/2005

PEARNE & GORDON LLP

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EXAMINER

LAO, LUN S

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/664,273

Applicant(s)

CONSTANTIN, JEAN-CLAUDE

Examiner

Lun-See Lao

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2000.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. Claims 1-17 of U.S. Application 09/664,273 filed on 09-18-2000 are presented for examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claims 4 and 6-10, the phrase "claim 4 dependent on claim 3 and claim 3 dependent on claimed in one of the above claims" renders the claim(s) indefinite because the claim(s) include(s) claims not actually disclosed (those encompassed by "as claimed in one of the above claims"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Objections

4. Claims 5-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 2 or 3. See MPEP § 608.01(n). Accordingly, the claims 5-10 not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (US PAT. 5,721,783).

Consider claim 1, Anderson teaches a method to control a transmission system and consisting of at least one transmitter see figs. 8-9) and at least one receiver (fig.8, 40, 805), wherein a signal transmitted through an information channel is modulated in amplitude, frequency and/or phase, characterized in that the configuration parameters are transmitted through a control channel, said transmission through the control channel being carried out regardless of any transmission implemented through the information channel (see col.25 line 15-50), and adjustments based on the transmitted configuration parameters are implemented in the receiver (40) and in particular enabling demodulating the signal transmitted through the information channel (see col. 21 line 11-col.23 line 35).

Consider claim 11 Anderson teaches a wireless transmission system consisting of a receiver (see fig.8, 40, 805) and at least one transmitter (805), a signal which is modulated in amplitude, frequency and/or phase being transmitted from one of the transmitters (40, 805) to the receiver, the receiver comprising an antenna (40), characterized in that there exist means (845) to generate and transmit configuration parameters and that means (40, 805) exist in the receiver to receive and process the configuration parameters (see col.32 line 30-col.22 line 61).

Consider claim 12-13, Anderson teaches transmission system of the characterized in that the means (see fig.2) generating and transmitting the configuration parameters are contained in a remote control, in a transmitter, in a control unit connected to a loop antenna and/or in a configuration unit (see col. 21 line 30-col. 22 line 61); and transmission system of the characterized in that the receiver (see fig.1) is connected to a hearing aid (10) or to an electro-acoustic transducer (see col.21 line 30-col.22 line 61).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US PAT. 5,721,783) in view of Eliwin (US PAT. 6,463,28).

Consider claim 2, Anderson does not clearly teach a method of characterized in that an identification code is transmitted through the control channel and in that the identification code is checked in the receiver and on account of such a check the adjustments are carried out in the receiver, in particular according to the corresponding configuration parameters.

However, Eliwin teaches a method of characterized in that an identification code (such as a number of preset hearing profiles) is transmitted through the control channel

and in that the identification code (such as a number of preset hearing profiles) is checked in the receiver and on account of such a check the adjustments are carried out in the receiver, in particular according to the corresponding configuration parameters (see col.1 line 49-col.2 line 30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Elwin into Anderson to provide a system determining how to adjust the output sound so that the user will be better able to hear it.

Consider claim 3-4, Anderson teaches method of the characterized in that the receiver is programmed by a programming unit (see fig.8 870), the transmission of the programming data taking place through the control channel (845 and col. 27 line 4-24); and characterized in that information is transmitted from the receiver (see fig.8, 40, 805)) through the control channel to the configuration unit (845 and see col. 11 line 19-col. 12 line 46).

Consider claim 5, Elwin teaches method of the characterized in that one or more identification codes are addressed to several receivers (see col.1 line 49-col.2 line 30).

Consider claims 6-7, Anderson teaches a method of the characterized in that the demodulation of the signal based on the configuration parameters is carried out in particular using the generated frequency to produce at least one demodulated signal, and the demodulated signal or signals are fed to another processing

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unit, in particular a hearing aid or an electro-acoustic transducer (see col. 11 line 19-col. 12 line 65); and method of the characterized in that a total transfer function resulting from the transmitter and the receiver (see fig.8, 40, 805) is modified in the receiver (40, 805) by transmitting transfer function (such as least mean squares) parameters of the transmitter particular amplification and frequency of transmission through the control channel to the receiver and in that the transfer function of the receiver (40, 805) is modified in relation to a desired total transfer function (col. 27 line 25-col. 29 line 17).

Consider claims 8-10, Anderson teaches a method of the characterized in that an antenna (see fig.8, 40) receiving the modulated signal is tuned to the particular transmission frequency (see col. 11 line 19-col.12 line 46); and method of the characterized in that the transmission through the control channel is carried out using FSK (frequency shift keying) modulation (see col. 11 line 1-18); and the transmission of audio signals from a transmitter to at least one receiver (fig. 2) connected to a hearing aid (100) or to an electro-acoustic transducer (see col. 11 line 19-col.12 line 46).

9. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (US PAT. 5,721,783) in view of Schotz (WO 97/29550).

Consider claim 14, Schotz teaches a receiver (see fig.8, 40, 805)) receiving frequency and/of phase modulated signals which are received at an antenna (40) connected through a unit and a consecutive mixer (830) to a demodulator (805) to

generate the demodulated signals, the mixer (830) furthermore being loaded with the output signal from a synthesizer (835) which in turn is controlled by a control unit (845), characterized in that transceiving means (40, 805) for configuration parameters are connected to the control unit (see col. 21 line 30-col.22 line 61); but Anderson does not clearly teach an antenna connected through a filter-amplifier unit.

However, Schotz teaches teach an antenna connected through a filter-amplifier unit (see fig.3a, 138, 154 and page 14 lines 14-33) .

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Schotz into Anderson to provide a the user to listen to high quality audio in any remote location without external wires or independent equipment.

Consider claim 15 and 17, Anderson teaches a receiver of the characterized in that the transceiving means (see fig.4, 40) for configuration parameters consist of a transceiver(40), a transceiving coil (41,42) and a capacitor to adjust the transceiving coil (see fig.4, 42, 41 and col. 11 line 19-col. 12 line 46); and a hearing aid fitted with a receiver (see fig.1 and col. 27 lines 4-24).

Consider claim 16, Schotz teaches receiver of the characterized in that the filter-amplifier unit (see fig. 3a, 138, 154), the mixer (168), the demodulator (168), the synthesizer (160) and the control unit (see fig. 3b, 164) can be made into an integrated circuit on a CMOS chip (see page 14 line 34-page 35 line 26).

Conclusion

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10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bartschi (US PAT. 5,734,976); Sharma (US PAT. 5,812,598) Puthuff (WO 99/03254) and Taenzer (US PAT. 5,751,820) are recited to show other related the method for controlling a transmission system, application of the method, a transmission system, a receiver and a hearing aid.

11. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9306


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (703) 305-2259. The examiner can normally be reached on Monday-Friday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

Lao,Lun-See
Patent Examiner
US Patent and Trademark Office
Crystal Park 2
(703305-2259)


DUC NGUYEN
PRIMARY EXAMINER